-- *REMARKS* --

In the Non-Final Office Action, Examiner Shah rejected pending claims 1-13 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

A.   Examiner Shah rejected claims 1, 3-7, 9-11 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,201,476 B1 to *Depursinge* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1, 3-7, 9-11 and 13 over *Depursinge*. The Applicant has also thoroughly read *Depursinge*. To warrant this §102(b) rejection of claims 1, 3-7, 9-11 and 13, *Depursinge* must show each and every limitation of claims 1, 3-7, 9-11 and 13 in as complete detail as in contained claims 1, 3-7, 9-11 and 13. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of claims 1, 3-7, 9-11 and 13, because, among other things, *Depursinge* fails to show "where the processor is operable to monitor the sensor signals in turn" in as complete detail as recited in dependent claim 4, and "wherein the sensor signals are monitored in turn" in as complete detail as recited in dependent claim 13.

As to the traversal, a proper understanding of *Depursinge* reveals the fact that *Depursinge* teaches a concurrent monitoring of motion sensor signals. Specifically, as shown in FIGS. 1 and 2, *Depursinge* teaches three motion sensors 2a-2c having outputs that are concurrently being monitored and processed by a signal processor 6. In particular, an A/D converter 5 concurrently provides the motion signals from motion sensors 2a-2c to a processing unit 7, which in turns processes all of the motion signals whereby a processing unit 8 generates a neural signal based on all of the motion signals and a processing unit 9 generates a comparison signal based on the neural signal that enables a determination of a probability of that the motion signals are collectively indicating a fall signal. See, *Depursinge* at column 2, line 34 to column 4, line 7.

Dependent claims 4 and 9 have been cancelled herein, independent claim 1 has been amended to recite the subject matter of cancelled dependent claim 4, and independent claim 9 has been amended to recite the subject matter of cancelled dependent claim 13. Withdrawal of the rejection of independent claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by *Depursinge* is therefore respectfully requested.

Claims 3 and 5-7 depend from independent claim 1. Therefore, dependent claims 3 and 5-7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 5-7 are allowable the *Depursinge* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Depursinge*. Withdrawal of the rejection of dependent claims 3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by *Depursinge* is therefore respectfully requested.

Claims 10 and 11 depend from independent claim 9. Therefore, dependent claims 10 and 11 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10 and 11 are allowable the *Depursinge* for at least the same reason as set forth herein with respect to independent claim 9 being allowable *Depursinge*. Withdrawal of the rejection of dependent claims 10 and 11 under 35 U.S.C. §102(b) as being anticipated by *Depursinge* is therefore respectfully requested.

B. Examiner Shah rejected claims 1, 3, 5-7, 9-11 and 13 under 35 U.S.C. §102(b) as being anticipated by a publication entitled "Context Awareness by Analysing Accelerometer Data" to *Randell* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1, 3, 5-7, 9-11 and 13 over *Randell*. The Applicant has also thoroughly read *Randell*. To warrant this §102(b) rejection of claims 1-3 and 9, *Randell* must show each and every limitation of claims 1, 3, 5-7, 9-11 and 13 in as complete detail as in contained claims 1, 3, 5-7, 9-11 and 13. See, MPEP §2131. As recognized by Examiner Shah, *Randell* fails to

show "<u>where the processor is operable to monitor the sensor signals in turn</u>" in as complete detail as recited in dependent claim 4, and "<u>wherein the sensor signals are monitored in turn</u>" in as complete detail as recited in dependent claim 13. Thus, dependent claims 4 and 9 have been cancelled herein, independent claim 1 has been amended to recite the subject matter of cancelled dependent claim 4, and independent claim 9 has been amended to recite the subject matter of cancelled dependent claim 13.

Withdrawal of the rejection of independent claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by *Randell* is therefore respectfully requested.

Claims 3 and 5-7 depend from independent claim 1. Therefore, dependent claims 3 and 5-7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 5-7 are allowable the *Randell* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Randell*. Withdrawal of the rejection of dependent claims 3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by *Randell* is therefore respectfully requested.

Claims 10 and 11 depend from independent claim 9. Therefore, dependent claims 10 and 11 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10 and 11 are allowable the *Randell* for at least the same reason as set forth herein with respect to independent claim 9 being allowable *Randell*. Withdrawal of the rejection of dependent claims 10 and 11 under 35 U.S.C. §102(b) as being anticipated by *Randell* is therefore respectfully requested.

  C. Examiner Shah rejected claims 1 and 3-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,317,304 to *Choi* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1 and 3-13 over *Choi*. The Applicant has also thoroughly read *Choi*. To warrant this §102(b) rejection of claims 1 and 3-13, *Choi* must show each and every limitation of claims 1 and 3-13 in as complete detail as in contained claims 1 and 3-13. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of claims 1 and 3-13, because, among other things, *Choi* fails to show "where the processor is operable to monitor the sensor signals in turn" in as complete detail as recited in dependent claim 4, and "wherein the sensor signals are monitored in turn" in as complete detail as recited in dependent claim 13.

As to the traversal, a proper understanding of *Choi* reveals the fact that *Choi* teaches a concurrent monitoring of sensor signals. Specifically, as shown in FIGS. 5 and 6, *Choi* is premised on the concept of a trigger capturing circuit 23 concurrently receiving motion signals from a tamper switch 21 and a motion sensor 22 in a continuous manner to thereby trigger an activation of a microprocessor 24 upon either signal indicating motion. See, *Choi* at column 4, line 15 to column 6, line 62.

Dependent claims 4 and 9 have been cancelled herein, independent claim 1 has been amended to recite the subject matter of cancelled dependent claim 4, and independent claim 9 has been amended to recite the subject matter of cancelled dependent claim 13. Withdrawal of the rejection of independent claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by *Choi* is therefore respectfully requested.

Claims 3 and 5-7 depend from independent claim 1. Therefore, dependent claims 3 and 5-7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 5-7 are allowable the *Choi* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Choi*. Withdrawal of the rejection of dependent claims 3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by *Choi* is therefore respectfully requested.

Claims 10 and 11 depend from independent claim 9. Therefore, dependent claims 10 and 11 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10 and 11 are allowable the *Choi* for at least the same reason as set forth herein with respect to independent claim 9 being allowable *Choi*. Withdrawal of the rejection of dependent claims 10 and 11 under 35 U.S.C. §102(b) as being anticipated by *Choi* is therefore respectfully requested.

D.   Examiner Shah rejected claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/014660 A1 to *Verplaetse* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1-13 over *Verplaetse*. The Applicant has also thoroughly read *Verplaetse*. To warrant this §103(a) rejection of claims 1-13, *Verplaetse* must teach or suggest each of the limitations of claims 1 and 3-13. See, MPEP §2143. The Applicant respectfully traverses this §103(a) rejection of claims 1-13, because, among other things, *Verplaetse* fails to teach or suggest "where the processor is operable to monitor the sensor signals in turn" in as complete detail as recited in dependent claim 4, and "wherein the sensor signals are monitored in turn" in as complete detail as recited in dependent claim 13.

As to the traversal, a proper understanding of *Verplaetse* reveals the fact that *Verplaetse* teaches a concurrent monitoring of motion sensor signals. Specifically, as best shown in FIG. 5D, *Verplaetse* teaches an accelerometer having two motion sensor outputs 5 and 6 coupled via op-amps buffers 280 and 282 to A/D ports of microcontroller 38. See, *Verplaetse* at paragraph [0045].

Dependent claims 4 and 9 have been cancelled herein, independent claim 1 has been amended to recite the subject matter of cancelled dependent claim 4, and independent claim 9 has been amended to recite the subject matter of cancelled dependent claim 13. Withdrawal of the rejection of independent claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Verplaetse* is therefore respectfully requested.

Claims 3 and 5-7 depend from independent claim 1. Therefore, dependent claims 3 and 5-7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 5-7 are allowable the *Verplaetse* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Verplaetse*. Withdrawal of the rejection of dependent claims 3 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over *Verplaetse* is therefore respectfully requested.

Claims 10 and 11 depend from independent claim 9. Therefore, dependent claims 10 and 11 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10 and 11 are allowable the *Verplaetse* for at least the same reason as set forth herein with respect to independent claim 9 being allowable *Verplaetse*. Withdrawal of the rejection of dependent claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Verplaetse* is therefore respectfully requested.

SUMMARY

The Applicant respectfully submits that claims 1-3 and 5-12 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Shah is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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